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James A. Koerner

Of Counsel  
Robert Bennett Lubic\*

May 26, 2004

\*not admitted in MD

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MAY 26 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, DC 20554

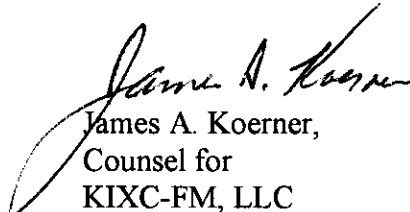
Re: MB Docket No. 04-161  
RM-10959

Dear Ms. Dortch:

On behalf of KIXC-FM, LLC, Petitioner in the above-referenced proceeding looking toward the downgrade of FM Channel 265C2 to 265C3 and the reallotment of that channel from Quanah, Texas to Iowa Park, Texas, and modification of the license of Station KIXC-FM accordingly, there are transmitted herewith an original and four (4) copies of the Petitioner's Comments in response to the Notice of Proposed Rule Making, released April 27, 2004.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,

  
James A. Koerner,  
Counsel for  
KIXC-FM, LLC

Cc: Fred Morton

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ORIGINAL

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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MAY 26 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Quanah and Iowa Park, Texas) )

MB Docket No. 04-161  
RM-10959

### PETITIONER'S COMMENTS

KIXC-FM L.L.C. ("Petitioner") hereby files its statement of support of the above referenced petition, and wishes to add additional comments that will answer the questions raised by the Media Bureau in its comments released on April 27th, 2004.

Petitioner wishes to express its continuing interest in this petition, and if granted, would quickly file an FCC Form 301 to comply with the Commission's order in this petition.

Petitioner also submits the following information regarding the proposed change of city of license of KIXC, from Quanah to Iowa Park, Texas.

Petitioner requests that KIXC(FM) be downgraded from its current 265C2\* assignment to a new assignment of 265C3 and moved to Iowa Park, Texas. The change in coverage area and population served is as follows:

Operation	Present Coverage (sq kilometers)**	Population (latest census)
265C2***	8538.60	53,648
265C3****	4749.90	137,823

In addition, Quanah would continue to be served by station KVDL(AM), licensed to Quanah.

\*In the NPRM, KIXC is incorrectly identified as a C3 allocation. It is actually licensed as a fully spaced C2 facility on 100.9 Mhz.

\*\*Within predicted 1 mv/m contour (60 dbu).

\*\*\*Actual licensed operation.

\*\*\*\*Assuming operation from allocation site, 25 kw @ 100 meters HAAT.

Iowa Park does have an existing FM allotment, channel 242A. However this channel is not active nor is there an outstanding construction permit for its use. Additionally, channel 242A at Iowa Park is not on the current auction list scheduled for November, 2004.

Given these facts, It is petitioner's assertion that it will be some time before 242A would be available for auction and construction. Petitioner's request to move KIXC to Iowa Park would serve to provide the city with it's first aural service in a more timely manner than can be achieved by the auction of 242A.

The petitioner's proposal would also provide first aural service to a larger community which, as of now, has no aural service. Iowa Park's population is more than twice that of Quanah (6,431 vs 3,022).

City	Population (latest census)	
Iowa Park	6,431	
Quanah	3,022	
Area Study	Square Kilometers	Population (latest census)
<b>Area Lost</b>	8538	53404
<b>Area Gained</b>	4737	141251
<b>Common Overlap Area</b>	620	244

It should be noted that while the proposal loses area coverage (8538 km vs 4737 km) it provides a significant increase in population served (53,404 vs 141,251).

In its NPRM, the Commission asked for information regarding the number of other aural (AM, FM) reception services available to the gain and loss areas of KIXC(FM). The requested information is provided as petitioner's exhibit *E-2*. For FM stations, the predicted 1 mV/m contour is shown. For AM stations, the .5 mV/m contour is shown. *E-2* is a map showing FM service, *E-2A* is a map showing AM service, *E-2B* is a list of the FM stations depicted in *E-2*, and *E2-C* is a list of the AM stations depicted in *E2-A*.

Petitioner has chosen two separate maps for the sake of clarity, due to the numerous facilities involved.

A map depicting the existing and proposed service contours of KIXC-FM is provided as petitioner's exhibit ***E-1***.

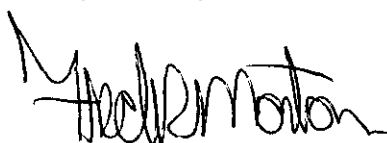
As the maps demonstrate, there are at least five other authorized aural services available to the gain and loss areas (ie, neither area is underserved). The gain and loss areas do not include any white or gray service areas.

KIXC-FM can be moved from Quanah to Iowa Park as channel 265 C3 in compliance with all applicable Commission Rules and International Agreements. No other broadcast facilities would be displaced from such a move. Only KIXC-FM's operation would be modified. This move, if granted, would bring the first aural service to Iowa Park. The proposal will not create any white or grey areas.

The petitioner respectfully requests the reallocation and change in class of channel 265 C2 from Quanah, Texas to channel 265 C3 at Iowa Park, Texas, and the modification of the license of station KIXC-FM for channel 265 C2 at Quanah, Texas to channel 265 C3 at Iowa Park, Texas.

If the FCC grants this petition, petitioner shall file an FCC 301 within 60 days specifying technical operation of KIXC. Should the application be granted, applicant would commence construction within 30 days of grant.

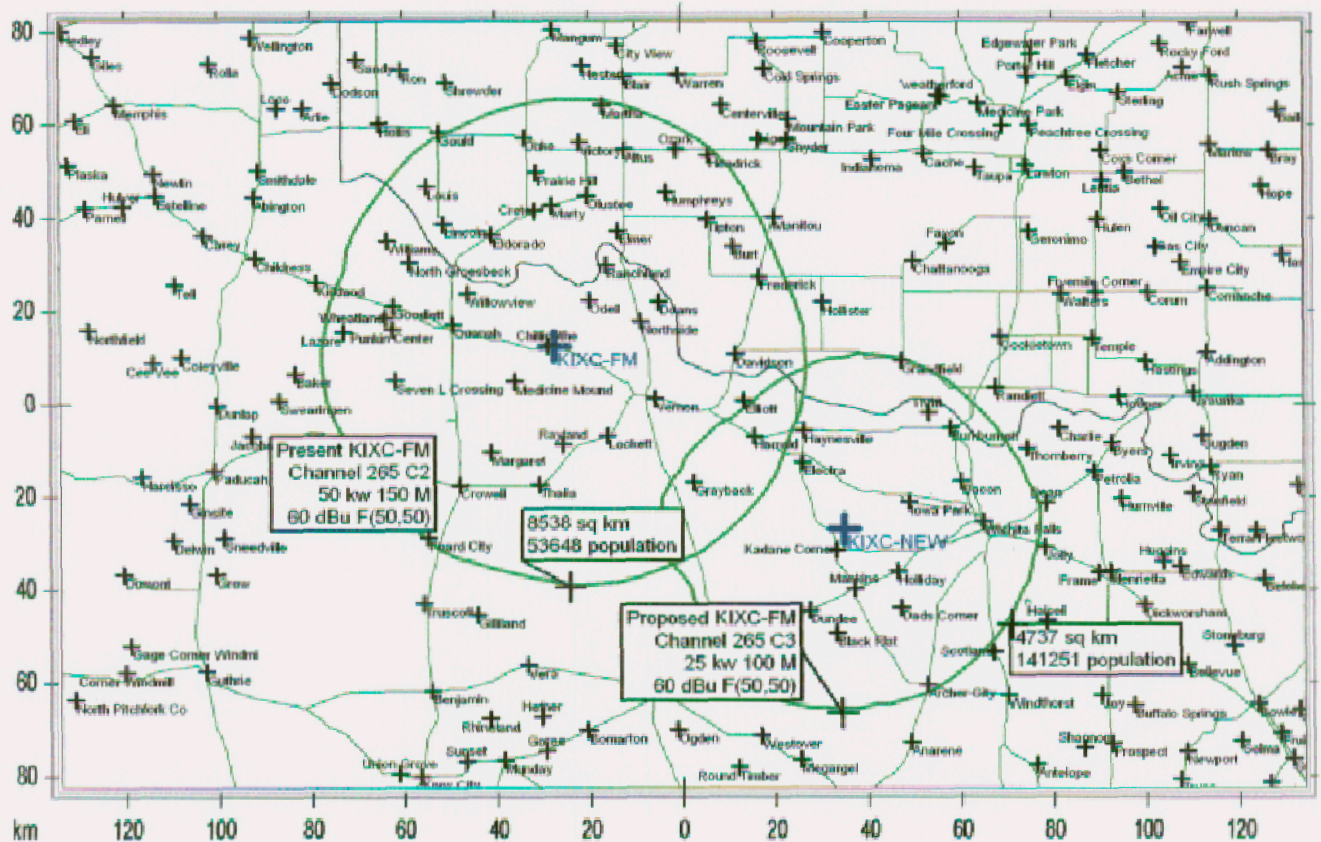
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Fred R. Morton". The signature is stylized with a large initial "F" and "M".

Fred R. Morton, CSRE  
Member  
KIXC-FM L.L.C.  
May 21st, 2004

enc

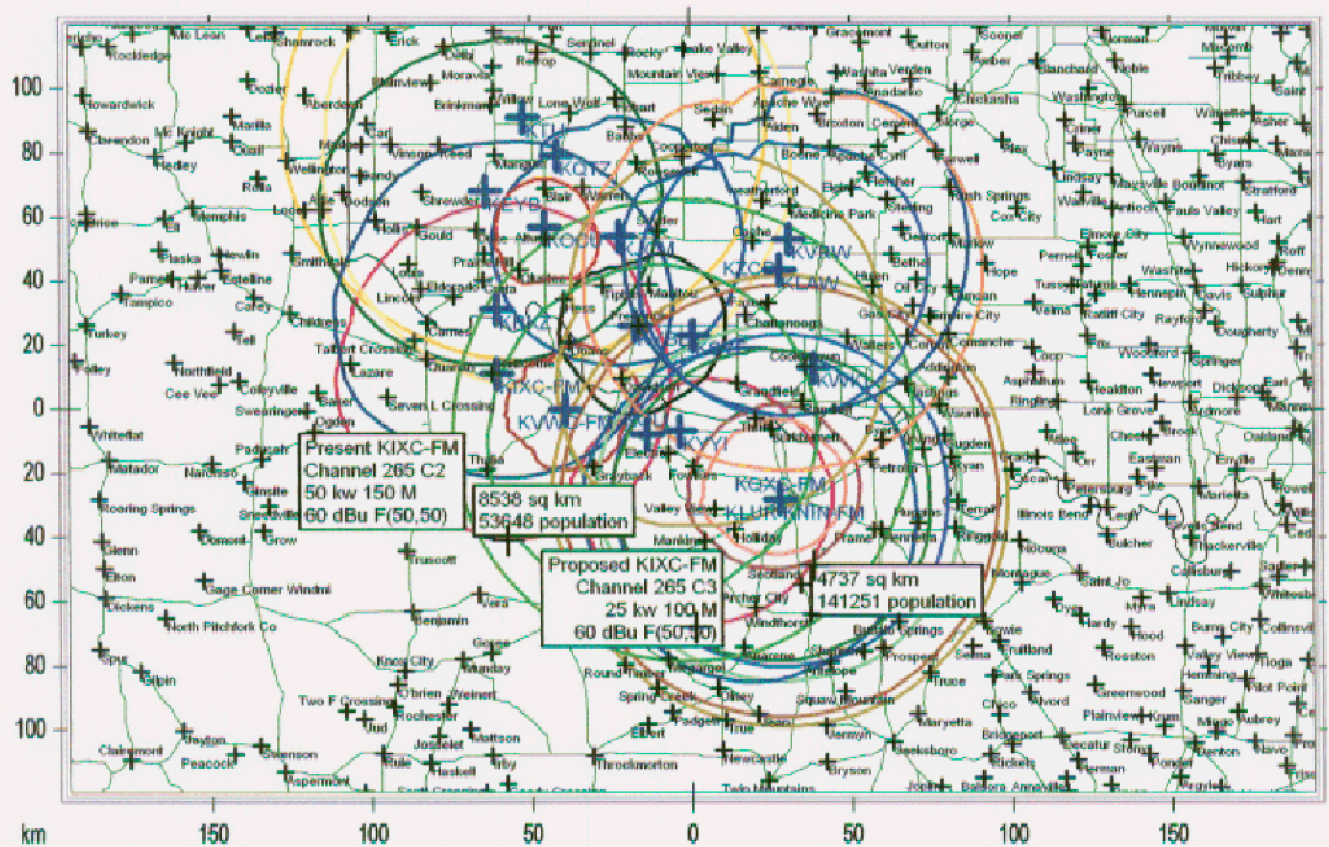
# KIXC-FM PETITION FOR RULEMAKING EXHIBIT E-1



Proposed and existing 1 mV/m service contours

State Borders Highways

# KIXC-FM PETITION FOR RULEMAKING EXHIBIT E-2

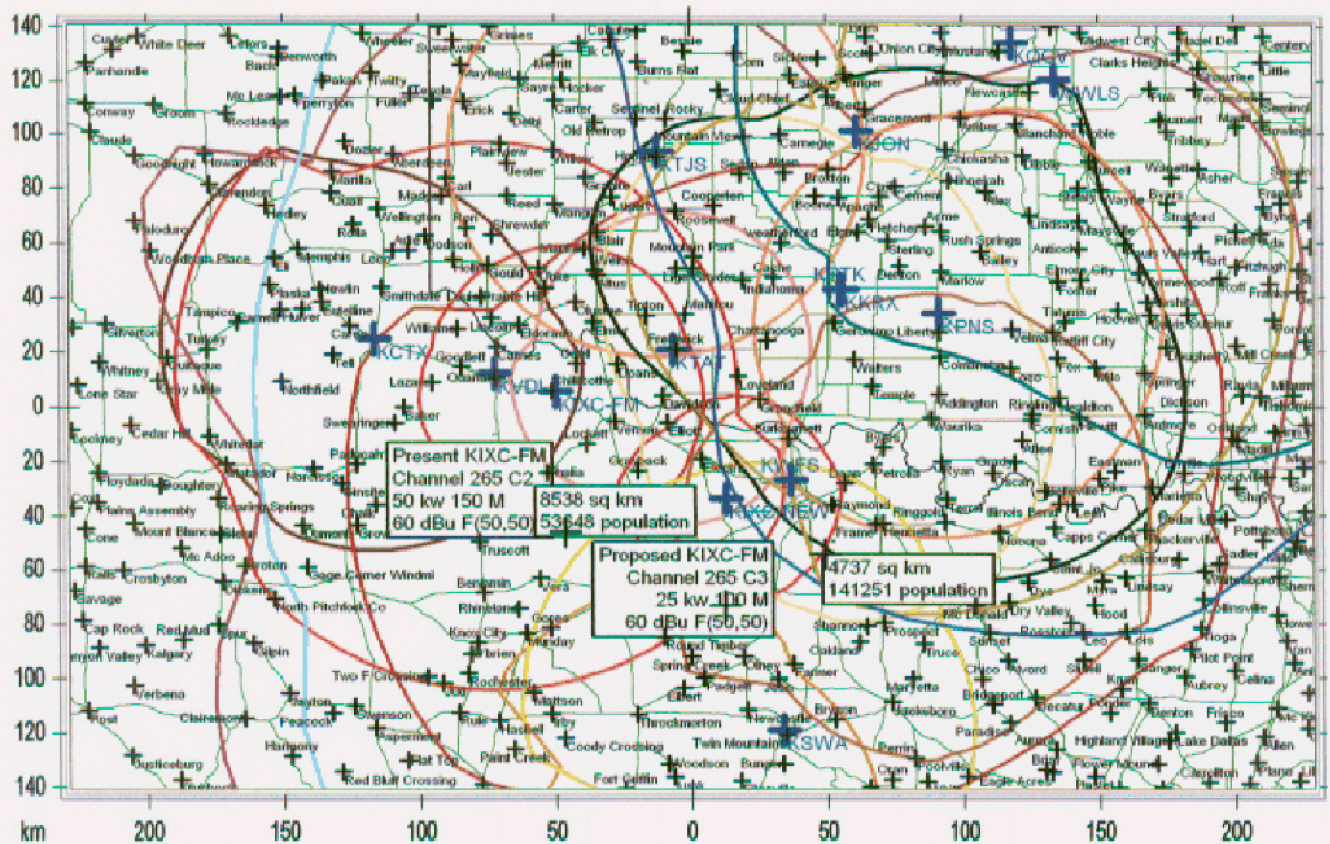


Other aural services (FM) in existing and proposed KIXC coverage areas

State Borders Highways



# KIXC-FM PETITION FOR RULEMAKING EXHIBIT E2-A





## KIXC PETITION FOR RULEMAKING EXHIBIT E-2B

CALL FORMAT LATITUDE	ST ARN LONGITUDE	CITY HAAT:m	FREQ OWNER AMSL:m	CHN	CL	ERP	STAT
KTIJ Unknown or 34-58-39.0	OK New CP N 99-24-35.0	ELK CITY BLH19990727KC W 327.444	98.50000 FUCHS RADIO, LLC 823.000		C	100000.00	LIC
KEYB Unknown or 34-46-15.0	OK New CP N 99-32-20.0	ALTUS BLH19970613KC W 149.194	107.90000 ALTUS FM, INC. 616.000		C2	50000.00	LIC
KVWC-FM Unknown or 34-09-12.0	TX New CP N 99-16-09.0	VERNON BMLH20010314AAT W 44.029	103.10000 KVWC, INC. 418.000		A	6000.00	LIC
KJCM Unknown or 34-38-42.0	OK New CP N 99-05-03.0	SNYDER BMLH20000927ACE W 115.319	100.30000 RAY BROADCASTING, INC. 529.000		C3	18000.00	LIC
KOCU Unknown or 34-40-14.0	OK New CP N 99-20-13.0	ALTUS BLED20020626AAU W 25.847	90.10000 CAMERON UNIVERSITY 448.000		A	5000.00	LIC
KQTZ Unknown or 34-52-15.0	OK New CP N 99-17-36.0	HOBART BLH19840806DA W 306.139	105.90000 MONARCH BROADCASTING, INC. 776.000		C	100000.00	LIC
KRKZ Unknown or 34-26-20.0	OK New CP N 99-30-08.0	ALTUS BLH19890227KG W 160.431	93.50000 MONARCH BROADCASTING, INC. 578.000		C2	45000.00	LIC
KYBE Unknown or 34-23-30.0	OK New CP N 99-01-51.0	FREDERICK BLH19990225KE W 75.889	95.90000 TOMAR BROADCASTING COMPANY, INC. 457.000		A	6000.00	LIC
KWFS-FM Unknown or 33-53-51.0	TX New CP N 98-32-32.0	WICHITA FALLS BLH20010406AAB W 138.279	102.30000 CCB TEXAS LICENSES, L.P. 436.000		C1	100000.00	LIC
KQXC-FM Unknown or 33-54-04.0	TX New CP N 98-32-21.0	WICHITA FALLS BMPH20020927ACA W 248.765	103.90000 CUMULUS LICENSING LLC 547.000		C2	19000.00	CP MOD
KMCU Unknown or 33-56-30.0	TX New CP N 98-34-06.0	WICHITA FALLS BLED20020308AAJ W 77.471	88.70000 CAMERON UNIVERSITY 381.000		A	3000.00	LIC
KNIN-FM Unknown or 33-54-04.0	TX New CP N 98-32-21.0	WICHITA FALLS BMLH19880330KB W 284.765	92.90000 CCB TEXAS LICENSES, L.P. 583.000		C1	100000.00	LIC
KQXC-FM Unknown or 33-56-30.0	TX New CP N 98-34-07.0	WICHITA FALLS BMLH20000922ABW W 95.471	103.90000 CUMULUS LICENSING LLC 399.000		A	4500.00	LIC

KTEO TX WICHITA FALLS 90.50000 C3 7000.00 LIC  
 Unknown or New CP BLED19930823KH CORNERSTONE UNIVERSITY  
 33-53-50.0 N 98-32-33.0 W 132.279 430.000

KLUR TX WICHITA FALLS 99.90000 C1 100000.00 LIC  
 Unknown or New CP BLH20030117ACD CUMULUS LICENSING LLC  
 33-54-04.0 N 98-32-21.0 W 248.765 547.000

KRZB TX ARCHER CITY 97.50000 C2 50000.00 CP  
 Unknown or New CP BMPH19990217IB TEXAS GRACE COMMUNICATIONS  
 33-51-40.0 N 98-38-52.0 W 150.147 455.000

KMOC TX WICHITA FALLS 89.50000 C3 3000.00 LIC  
 Unknown or New CP BLED19870720KA CHRISTIAN SERVICE FOUNDATION, INC.  
 33-54-04.0 N 98-32-21.0 W 207.765 506.000

KBZS TX WICHITA FALLS 106.30000 C2 50000.00 LIC  
 Unknown or New CP BLH20040108AMG CCB TEXAS LICENSES, L.P.  
 33-53-18.0 N 98-34-08.0 W 129.000 429.000

KSYE OK FREDERICK 91.50000 C1 100000.00 LIC  
 Unknown or New CP BLED19920527KC CRISWELL CENTER FOR BIBLICAL STUDIES  
 34-21-52.0 N 98-50-04.0 W 159.103 503.000

KYYI TX BURKBURNETT 104.70000 C1 92000.00 LIC  
 Unknown or New CP BLH19990729KA CUMULUS LICENSING LLC  
 34-05-35.0 N 98-52-44.0 W 312.162 654.000

KVRW OK LAWTON 107.30000 C2 50000.00 LIC  
 Unknown or New CP BLH20020723AAZ PAT-TOWER, INC.  
 34-38-12.0 N 98-30-27.0 W 149.333 531.000

KWKL OK GRANDFIELD 89.90000 C3 11000.00 CP MOD  
 Unknown or New CP BMPED20020517ABV EDUCATIONAL MEDIA FOUNDATION  
 34-16-19.0 N 98-25-30.0 W 152.632 453.000

KOLI TX ELECTRA 94.90000 C2 50000.00 LIC  
 Unknown or New CP BLH19980203KB CUMULUS LICENSING LLC  
 34-05-01.0 N 98-59-29.0 W 149.868 502.000

KZCD OK LAWTON 94.10000 C2 18000.00 LIC  
 Unknown or New CP BLH19970501KC CAPSTAR TX LIMITED PARTNERSHIP  
 34-33-00.0 N 98-32-20.0 W 158.833 513.000

KLAW OK LAWTON 101.30000 C1 100000.00 LIC  
 Unknown or New CP BLH20010301ABH CAPSTAR TX LIMITED PARTNERSHIP  
 34-32-59.0 N 98-32-21.0 W 176.903 531.000